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UNITED STATES DISTRICT COURT
FOR THE STATE OF OREGON

MARTIN ROB CAGAN,

Plaintiff,

vs.

CAROLEEN VAN HOOMISSEN, RONALD
JOHNSON, STAHANCYK-GEARING-
RACKNER-KENT A FIRM AND ITS
PARTNERS (sic), CREG PHILLIPS (sic),
KAY VAN HOOMISSEN, RICHARD VAN
HOOMISSEN, MICHAEL VAN
HOOMISSEN, THE UNITED STATES
ARMY-WEST POINT ACADEMY, BEND
CHAMBER OF COMMERCE, DESCHUTES
COUNTY SCHRIF DEPARTMENT (sic),
DESCHUTES COUNTY SCHRIF, (sic)
CAPTAIN JIM EDWARDS, CORPORAL
LAWRENCE, DEPUTY ABBOTT,
DESCHUTES COUNTY, BEND CHAMBER
OF COMERCE (sic),

Defendants.

Case No.: 05-6156-TC

**ANSWER TO SECOND AMENDED
COMPLAINT BY DEFENDANT BEND
CHAMBER OF COMMERCE**

For Answer to Plaintiff's Second Amended Complaint on file herein, Defendant Bend
Chamber of Commerce admits, denies and alleges as follows:

1. It is difficult to determine from Plaintiff's Complaint the specific factual
allegations raised. As such, other than admitting that defendant Greg Phillips is a former

**1 - ANSWER TO SECOND AMENDED COMPLAINT BY DEFENDANT BEND CHAMBER OF
COMMERCE**

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1 employee of the Bend Chamber of Commerce, defendant Bend Chamber of Commerce denies
 2 each and every allegation of the Complaint regarding defendant Bend Chamber of Commerce.

3 2. For allegations not regarding defendant Bend Chamber of Commerce, Bend
 4 Chamber of Commerce lacks sufficient information to admit or deny those allegations and, based
 5 upon such lack of information or belief, deny those allegations.

6 **AFFIRMATIVE DEFENSES**

7 **First Affirmative Defense**

8 **(Failure to State a Claim Upon Which Relief Can be Granted)**

9 3. Plaintiff's claims for relief, and Plaintiff's Second Amended Complaint as a
 10 whole, fail to state a claim or claims upon which relief can be granted.

11 **Second Affirmative Defense**

12 **(Statute of Limitations)**

13 4. Plaintiff's claims, and each of them, are barred by the applicable statute or
 14 statutes of limitations and ultimate repose.

15 **Third Affirmative Defense**

16 **(Lack of Subject Matter Jurisdiction)**

17 5. The Court lacks subject matter jurisdiction to hear this matter.

18 WHEREFORE, Defendant Bend Chamber of Commerce prays that Plaintiff take nothing
 19 by reason of his Second Amended Complaint, that Plaintiff's Second Amended Complaint be
 20 dismissed with prejudice, that final judgment be entered in favor of Defendant Bend Chamber of
 21 Commerce and against Plaintiff, and that Defendant Bend Chamber of Commerce be awarded its
 22 costs, disbursements and any legally recoverable attorney fees incurred herein.

23 DATED this 23rd day of November, 2005.

/s/ MARK G. REINECKE

24 MARK G. REINECKE, OSB 91407

25 Of Attorneys for Defendant Bend Chamber Of Commerce

26 2 - ANSWER TO SECOND AMENDED COMPLAINT BY DEFENDANT BEND CHAMBER OF
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CERTIFICATE OF MAILING

I hereby certify that I served the foregoing **ANSWER TO SECOND AMENDED COMPLAINT** by depositing a true, full and exact copy thereof in the United States Post Office at Bend, Oregon, enclosed in a sealed envelope, postage prepaid and addressed to:

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Pro se Defendant and Attorney for Defendant Richard Van Hoomissen

DATED this 23rd day of November, 2005.

/s/ MARK G. REINECKE

MARK G. REINECKE, OSB 91407
Of Attorneys for Defendant Bend Chamber of Commerce

CERTIFICATE OF TRUE COPY

I hereby certify the foregoing is a true, full and exact copy of the original thereof.
DATED this 23rd day of November, 2005.

MARK G. REINECKE, OSB 91407
Of Attorneys for Defendant Bend Chamber of Commerce

3 - ANSWER TO SECOND AMENDED COMPLAINT BY DEFENDANT BEND CHAMBER OF COMMERCE
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